

# A HERE COMMENT ON THE 1951 REFUGEE CONVENTION

## INTRODUCTION

The Hub for Education for Refugees in Europe ([HERE](#)) held its inaugural [conference](#) on 22<sup>nd</sup>-23<sup>rd</sup> November 2022. It involved keynote speakers, invited presentations, academic papers and networking activities focusing on refugee education in Europe. Attendees came from research, practice and policy backgrounds. A unique feature of the conference was the planned opportunities throughout the two days for participants to contribute to an ongoing critical conversation about refugee education in Europe.

The need for this conversation stems from the fact that in [2022](#), the United Nations High Commissioner for Refugees announced that over 100 million individuals worldwide have been forcibly displaced as a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order. Europe alone hosts over nine million people who have been forcibly displaced, including asylum-seekers, stateless persons, internally displaced persons and unaccompanied minors (UNHCR, [2022](#)).

Despite it being more than seven decades since the enshrinement of refugee rights in the 1951 Convention Relating to the Status of Refugees, many refugees continue to face challenges when it comes to accessing educational systems or pursuing their educational goals in Europe. These challenges became especially prominent in [2015](#) when Europe saw 1.3 million individuals, including children, requesting asylum in that year alone.

As such, critical conversations on refugee education need to expand from ensuring basic access to education to building sustainable educational pathways for refugees. Thus, this conference was organised as a Europe-wide gathering of researchers, policymakers and practitioners involved in refugee education and committed to building sustainable educational trajectories for refugees and displaced peoples in Europe.

During the HERE conference, attendees contributed their perspectives on how existing rights frameworks could be updated to better reflect the needs and realities of refugees in Europe today – based on their personal, professional and academic experience. This document aims to stimulate revised conversations on the Convention, and to encourage European policy makers to better understand its limits and constraints as it relates to education. As such, its purpose is to spark policy-level discussions about routes towards better approaches. It should be noted that it is contextualised for Europe, and is not intended to be prescriptive globally.

We now present this synthesis in the style of a potential addendum to the Refugee Convention, in the hope that this will stimulate discussion about the potential for a more sustained, inclusive approach to refugee education. While our recommendations primarily relate to Article 22 of the Refugee Convention (on Public Education), it should also be noted that other elements of the Convention – such as the way in which refugees are defined – can deeply impact their educational and broader life trajectories.

## ARTICLE 22: PUBLIC EDUCATION

Article 22 explicitly refers to public education, and states that:

- The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
- The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

What if education was considered one of the desirable solutions to forced displacement?

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## OUR UNDERPINNING PRINCIPLES

The HERE Network believes that all refugees should have the right to an education which is inclusive, of high-quality, and which promotes opportunities for lifelong learning within contexts which promote safety, belonging and success. To achieve this:

- Schools, colleges and other educational contexts should be safe and supportive communities where everyone can find welcome and where learners from refugee backgrounds can have opportunities to achieve the same educational outcomes as peers in their new context.
- Learners from refugee backgrounds should be included in all levels or phases of education.
- Educational provision should be framed using asset-based discourse and deficiency language avoided. The skills, experiences and talents of individual students from refugee backgrounds should be valued and acknowledged. Educational settings should be settings which are mutually enriching for all learners.
- The importance of education for asylum seekers should be recognised – as much as for refugees who have gained official protection.
- When designing policy and provision and organising services, it is imperative to talk to refugees and know their needs and wishes; to include them in this process; and to involve experts by experience in meaningful ways, as part of a commitment to amplifying refugees' voices.
- Refugee education should not be perceived as a response to 'crisis'. Migration is a normative feature of the human experience and supporting newcomers in communities should be understood, along with multiculturalism, as the bedrock of most European societies.
- Meaningful inclusion in mainstream settings is dependent upon access to high quality language teaching in the majority language for all newcomers.
- Education for all students about the causes of forced migration is essential for promoting more understanding, tolerant, responsible and inclusive societies.

# Multilingualism is a skill that enriches all.

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## OUR RECOMMENDED ADDENDUM TO ARTICLE 22

### National-level policy and bands of activity

With these principles and comments taken into account, the HERE Network proposes the following addendum to Article 22 of the Convention:

#### *Support with language*

- States shall provide refugees and asylum seekers of all ages language lessons to assist in accessing resources and navigating resettlement and integration. These shall be free and available up to at least B1 level (according to the Common European Framework of Reference for Languages). States shall also include wellbeing principles in this provision.

#### *Support with transitions*

- States shall support more sustainable educational paths, based on a recognition that refugees and asylum seekers need long-term, sustainable approaches to educational provision. This involves supporting transitions from orientation and bridging provision into mainstream provision.
- States shall also provide better support to refugee and asylum-seeking young people with the transition to 18 years of age by striving to keep educational settings, staff and other forms of assistance constant. This requires a recognised pathway known to all stakeholders.
- States shall provide specific and directed guidance for universities and vocational and lifelong learning providers on ensuring access and a quality experience for refugee and asylum-seeking students (via Higher Education Regulatory Frameworks, in the case of HEIs). This would direct such institutions to include guidance on flexible, contextual admissions procedures.

#### *Training and knowledge exchange*

- States shall provide guidance, support and training provision for schools, colleges and universities and their staff. They shall also engage in knowledge sharing between themselves, institutions and practitioners, to learn from refugee education practices in non-European contexts.
- States shall develop feedback mechanisms to hold themselves accountable with regard to how the above-mentioned principles and frameworks are being enacted.

## Support in practice: local and institutional policy and activities

Beyond the recommendations for Contracting States laid out above, the HERE Network also makes the following suggestions to support refugee and asylum-seeking learners, to put the Addendum into practice at the local level:

### *Teacher and other staff training*

- Training should be provided for all staff in schools, further and higher education institutions and non-formal learning contexts. This should include providing teachers with strategies for teaching multilingual learners during pre-service and in-service teacher education programmes – as well as how to discuss the topic of forced displacement in institutions and communities. The design of this training should involve participation from refugees and asylum seekers, and should highlight lived experience.

### *Inclusive strategies*

- Educational institutions should develop strategies which explicitly deal with inclusion, and engage in conversations about what ‘inclusion’ means for their context. Overall, this means enhancing the substantive equity of refugee and asylum-seeking learners and including them in the life of the setting and its decision-making – as well as engaging learners in critical thinking about refugee representation; creating frameworks for cultural appreciation, inclusive curricula and events at the institution for the wider community; acknowledging the skills that learners already have; and embracing multilingualism.

Schools should be places of learning from the other,  
not just about the other.

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